UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.151/PC/WG.II/L.28
26 March 1992

ORIGINAL: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED
NATIONS CONFERENCE ON ENVIRONMENT
AND DEVELOPMENT
Fourth session
New York, 2 March-3 April 1992
Agenda item 2 (c) of Plenary
Agenda item 4 (a) of Working Group II

PREPARATIONS FOR THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT ON THE BASIS OF GENERAL ASSEMBLY RESOLUTION 44/228 AND TAKING INTO ACCOUNT OTHER RELEVANT GENERAL ASSEMBLY RESOLUTIONS: CROSS-SECTORAL ISSUES

ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES, PARTICULARLY HAZARDOUS WASTES, AND OF TOXIC CHEMICALS, AS WELL AS PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN TOXIC AND DANGEROUS PRODUCTS AND WASTES: ENVIRONMENTALLY SOUND MANAGEMENT OF HAZARDOUS WASTES

Environmentally sound management of hazardous wastes [(including prevention of illegal international traffic in hazardous wastes)]

(Section II, chapter 12, of Agenda 21)

Text submitted by the Chairman on the basis of negotiations held on document A/CONF.151/PC/100/Add.24

I. INTRODUCTION

1. Effective control of the generation, storage, treatment, recycling and reuse, transport, recovery and disposal of hazardous wastes is of paramount importance for proper health, environmental protection and natural resource management, and sustainable development.

2. Prevention of the generation of hazardous wastes and the rehabilitation of contaminated sites are the key elements, but they both require knowledge, experienced people, facilities, financial resources, and technical and scientific capacities.

3. The activities outlined in the present chapter are very closely related to, and have implications for, many of the programme areas described in other chapters, so that an overall integrated approach to hazardous waste management is necessary.

[4. There is international concern that part of the international movement of hazardous wastes is being carried out in contravention of existing national legislation and international instruments to the detriment of the environment and public health of all countries, particularly of developing countries.

5. In section I of General Assembly resolution 44/226 of 22 December 1989, the regional commissions were requested to contribute to the prevention of the illegal traffic in toxic and dangerous products and wastes by monitoring and making regional assessments of that illegal traffic and its environmental and health implications; the Assembly also requested the regional commissions to interact among themselves and cooperate with the United Nations Environment Programme (UNEP), with a view to maintaining efficient and coordinated monitoring and assessment of the illegal traffic in toxic and dangerous products and wastes.]

Overall objective

6. Within the framework of integrated life-cycle management, the overall objective is to prevent to the extent possible, and minimize, the generation of hazardous wastes, as well as to manage the wastes in such a way that they do not cause harm to health and the environment.

Overall targets

7. The overall targets are as follows:

(a) Prevention or minimization of the generation of hazardous wastes as part of an overall integrated cleaner production approach; elimination or reduction to a minimum of transboundary movements of hazardous wastes, consistent with the environmentally sound and efficient management of those wastes: and ensuring that environmentally sound hazardous waste management options are pursued to the maximum extent possible within the country of

origin (the self-sufficiency principle). The transboundary movements that take place should be based on environmental and economic grounds and upon agreements between the States concerned, including riparian States where appropriate. This takes into account the needs of developing countries and the special difficulties faced by small island States in disposing of some hazardous wastes in an environmentally sound manner;

(b) Ratification of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the expeditious elaboration of related protocols, such as the protocol on liability and compensation, mechanisms and guidelines to facilitate the implementation of the Convention;

(c) Ratification and full implementation by the countries concerned of the Bamako Convention on the Ban on the Import into Africa and Control of Transboundary Movement of Hazardous Wastes within Africa and the expeditious elaboration of a protocol on liability and compensation;

(d) Full respect for the decisions taken by the countries parties to conventions, such as the Bamako Convention, and the Fourth Lomé Convention, that prohibit the import of hazardous wastes into developing countries.

8. The following programme areas will be dealt with:

(a) Promotion of hazardous waste prevention and minimization;

(b) Promotion and strengthening of institutional capacities in hazardous waste management;

(c) Promotion and strengthening of international cooperation in the management of transboundary movements of hazardous wastes;

[(d) Prevention of illegal international traffic in hazardous wastes.]

II. PROGRAMME AREAS

A. PROMOTION OF HAZARDOUS WASTE PREVENTION AND MINIMIZATION

Basis for action

9. Human health and environmental quality are being continually degraded by the increasing amount of wastes being produced. There are increasing direct and indirect costs to society and to individual citizens in connection with the generation, handling and disposal of wastes. It is therefore crucial to enhance knowledge and information on the economics of prevention and management of hazardous wastes, including the impact in relation to the employment and environmental benefits, in order to ensure that the necessary capital investment is made available in development programmes through economic incentives. One of the first priorities in waste management is

minimization, as part of a broader approach to change industrial processes and consumer patterns through pollution prevention and cleaner production strategies.

10. Among the most important factors in these strategies is the recovery of wastes and their tranformation into useful material. Technology application, modification and development of new low waste technologies is therefore currently a central focus of waste minimization.

Objectives

11. The objectives of this programme are:

(a) To reduce the generation of hazardous wastes, to the extent feasible, as part of an integrated cleaner production approach;

(b) To optimize the use of materials by utilizing, where practicable and environmentally sound, the residues from production processes;

(c) To enhance knowledge and information on the economics of prevention and management of hazardous wastes.

12. To achieve the objectives, and thereby reduce the impact and cost of industrial development, countries that can afford to adopt the requisite technologies without detriment to their development should establish policies that include:

(a) The integration of cleaner production approaches and waste minimization in all planning, and the adoption of specific goals;

(b) Promotion of the use of regulatory and market mechanisms;

(c) Establishment of an intermediate goal for the stabilization of the quantity of hazardous waste generated;

(d) Establishment of long-term programmes and policies including targets where appropriate for reducing the amount of hazardous waste produced per unit of manufacture;

(e) Achievement of a qualitative improvement of waste streams, mainly through activities aimed at reducing their hazardous characteristics;

(f) Facilitating the establishment of cost-effective policies and approaches to hazardous waste prevention and management, taking into consideration the state of development of each country.

Activities

(a) Management-related activites

13. The following activities should be undertaken:

(a) Governments [Throughout this document the term "Governments" also refers to the European Community acting within its sphere of competence.] should establish or modify standards or purchasing specifications to avoid discrimination against recycled materials, provided they are environmentally sound;

(b) Governments, according to their possibilities and with the help of multilateral cooperation, should provide economic or regulatory incentives to stimulate industrial innovation towards cleaner production methods, to encourage industry to invest in preventive and/or recycling technologies so as to ensure environmentally sound management of all hazardous wastes, including recyclable wastes, and to encourage waste minimization investments;

(c) Governments should intensify research and development activities on cost-effective alternatives for processes and substances that currently result in the generation of hazardous wastes that pose particular problems for environmentally sound disposal or treatment, the possibility of ultimate phase-out to be considered as soon as practicable. Emphasis should be given to alternatives that could be economically accessible to developing countries;

(d) States, with international, bilateral or multilateral assistance where requested, should support the establishment of domestic facilities to handle hazardous wastes of domestic origin;

(e) [Governments of developed countries should provide a range of incentives to encourage industry to transfer environmentally sound technologies and know-how on clean technologies and low-waste production to developing countries on preferential and non-commercial terms, which will bring about changes to sustain innovation. Governments should cooperate with industry to develop guidelines and codes of conduct, leading to cleaner production through sectoral trade industry associations.]

(f) Governments should encourage industry to treat, recycle and dispose of wastes at the source of generation, or as close as possible thereto, whenever waste generation is unavoidable and when it is both economically and environmentally efficient to do so;

(g) Governments should encourage technology assessments, for example through the use of technology assessment centres;

(h) Governments should promote cleaner production through the establishment of centres providing training and information on environmentally sound technologies;

(i) Industry should establish environmental management systems, including environmental auditing of its production or distribution sites, in order to identify where the installation of cleaner production methods is needed;

(j) A relevant and competent international organization should take the lead, in cooperation with other organizations, to develop guidelines for estimating the costs and benefits of various approaches to the adoption of cleaner production and waste minimization and environmentally sound management of wastes, taking into account, where appropriate, the report of the Nairobi meeting of government-designated experts on an international strategy and an action programme, including technical guidelines for the environmentally sound management of hazardous wastes;

(k) Governments should establish regulations which lay down the industries ultimate responsibility for environmentally sound disposing of the hazardous wastes its activities generate.

(b) Data and information

14. The following activities should be undertaken:

(a) Governments, assisted by international organizations, should establish mechanisms for assessing the value of existing information systems;

(b) Governments should establish nationwide and regional information collection and dissemination clearing houses and networks, which are easy to access and use by Government institutions and industry and other non-governmental organizations;

(c) International organizations, through the UNEP Cleaner Production Programme and the International Cleaner Production Information Clearing House (ICPIC), should extend and strengthen existing systems for collection of cleaner production information;

(d) Promotion of the use and dissemination by all United Nations organs and organizations of information collected through the cleaner production network;

(e) The Organisation for Economic Co-operation and Development (OECD) should, in cooperation with other organizations, undertake a comprehensive survey of, and disseminate information on, experiences of member countries in adopting economic regulatory schemes and incentive mechanisms for waste management and for the use of clean technologies that prevent wastes from being generated;

(f) Governments should encourage industries to be transparent in their operations and provide relevant information to the communities that might be affected by the generation and management of hazardous wastes.

(c) International and regional cooperation and coordination

15. International/regional cooperation should encourage the ratification by States of the Basel and Bamako Conventions and promote the implementation of those Conventions. Regional cooperation will be necessary for the development of similar conventions in regions other than Africa, if so required. [In addition there is a need for effective coordination of international regional and national policies and instruments.] Other activities proposed are:

(a) Strengthening international cooperation in monitoring the transfer to other countries of industries generating hazardous wastes;

(b) [Encouraging large industrial enterprises, including transnational corporations, to conform with the provisions of international and regional environmental standards, guidelines and conventions to the extent that they are applicable to corporate activities, even though not mandatory under national law;]

(c) [Observing all national and local laws and regulations for environmental protection, subject to the overriding responsibility to conform with regional and international standards;]

(d) [Adopting and implementing policies and programmes in accordance with the highest practicable industry-agreed guidelines;]

(e) [Addressing in future environmental instruments the rights and responsibilities of transnational corporations;]

(f) Cooperating in monitoring the effects of the management of hazardous wastes.

Means of implementation

(a) Financing and cost evaluation

16. [It is estimated that the annual cost of improving the national capacity of developing countries through contributions from the international community and industry to implement this programme area will be approximately $740 million. This includes the establishment of national centres to promote cleaner production activities, research and training activities and activities related to the use of economic instruments in waste management, amounting to about $380 million per year, and the launching of demonstration projects for about $360 million per year. This amount may depend on the rate of implementation of such projects at the country level; the participation of the industry should be an integral part of implementation.]

17. [The annual cost of strengthening international institutions, including their activities on the strengthening of information exchange systems and the enhancement of knowledge and information on the economics of prevention and management of hazardous wastes, will be about $10 million.]

(b) Technology development and research

18. The following activities should be undertaken:

(a) Governments, according to their capacities and available resources and with the cooperation of the United Nations and other relevant organizations, and industries, as appropriate, should significantly increase financial support for "cleaner technology R&D programmes", including the use of biotechnologies;

(b) States, with the cooperation of international organizations where appropriate, should encourage industry to promote and undertake research into the phase-out of those processes that pose the greatest environmental risk based on the hazardous wastes generated;

(c) States should encourage industry to develop schemes to integrate the cleaner production approach into the design of products and their management practices;

(d) States should encourage industry to exercise environmentally responsible care through waste reduction and by ensuring the environmentally sound reuse, recycling and recovery of hazardous wastes, as well as their final disposal.

Human resources development

19. The following activities should be undertaken:

(a) Governments, international organizations and industry should encourage industrial training programmes, incorporating waste prevention and minimization techniques and launching demonstration projects at the local level to develop "success stories" in cleaner production;

(b) Industry should integrate cleaner production principles and case examples into training programmes and establish demonstration projects/networks by sector/country;

(c) All sectors of society should develop cleaner production awareness campaigns and promote dialogue and partnership with industry and other actors.

Capacity-building

20. The following activities should be undertaken:

(a) Governments of developing countries, in cooperation with industry and with the cooperation of appropriate international organizations, should develop inventories of hazardous waste production, in order to identify their needs with respect to technology transfer and implementation of measures for the sound management of wastes and their disposal;

(b) Governments should include in national planning and legislation an integrated approach to environmental protection, driven by prevention and source reduction criteria, based on the polluter-pays principle, and adopt programmes for hazardous waste reduction, including targets and adequate environmental control;

(c) Governments should work with industry on sector-by-sector cleaner production and waste minimization campaigns, as well as on the reduction of wastes and other emissions;

(d) Governments should take the lead in establishing and strengthening, as appropriate, national procedures for environmental impact assessment to take into account the "cradle to grave" approach to the management of hazardous wastes, to identify options for minimizing the generation of hazardous wastes, through safer handling, storage, disposal and destruction;

(e) Governments, in collaboration with industry and appropriate international organizations, should develop procedures for monitoring the application of the "cradle to grave" approach, including environmental audits;

(f) [Bilateral and multilateral development assistance agencies should substantially increase funding for cleaner technology transfer to developing countries and economies in transition, including small- and medium-sized enterprises.]

B. PROMOTION AND STRENGTHENING OF INSTITUTIONAL CAPACITIES IN HAZARDOUS WASTE MANAGEMENT

Basis for action

21. Many countries lack the national capacity to handle and manage hazardous wastes. This is primarily due to inadequate infrastructure, deficiencies in regulatory frameworks, insufficient education and training programmes and lack of coordination between the different ministries and institutions involved in various aspects of waste management. In addition, there is a lack of knowledge about environmental contamination and pollution and the associated health risk from the exposure of populations, especially women and children, and ecosystems to hazardous wastes, the assessment of risks and the characteristics of wastes. Steps need to be taken immediately to identify populations at high risk and to take remedial measures, where necessary. To ensure environmentally sound management of hazardous wastes, one of the main priorities is to provide awareness, education and training programmes to cover all levels of society. There is also a need to undertake research programmes to understand the nature of hazardous materials, to identify their potential environmental effects and to develop technologies to safely handle these wastes. Finally, there is a need to strengthen the capacities of institutions which are responsible for the management of hazardous wastes.

Objectives

22. The objectives in this programme area are as follows:

(a) To adopt appropriate coordinating, legislative and regulatory measures at the national level for the environmentally sound management of hazardous wastes, including the implementation of international and regional conventions;

(b) To establish public awareness and information programmes on hazardous waste issues and to ensure that basic education and training programmes are provided for industry and government workers in all countries;

(c) To establish comprehensive research programmes on hazardous wastes in countries;

(d) To strengthen service industries to enable them to handle hazardous materials, and to build up international networking;

(e) To develop endogenous capacities in all developing countries to educate and train staff at all levels in environmentally sound hazardous waste handling, monitoring and environmentally sound management;

(f) To promote human exposure assessment with respect to hazardous waste sites and identify remedial measures required;

(g) To facilitate the assessment of impacts and risks of hazardous wastes on human health and the environment by establishing appropriate procedures, methodologies, criteria and/or effluent guidelines and standards;

(h) To improve knowledge regarding the effects of hazardous wastes on health and the environment;

(i) To make information available to Governments and to the general public on the effects of hazardous wastes, including infectious wastes, on health and the environment.

Activities

(a) Management related

23. The following activities should be undertaken:

(a) Governments should establish and maintain inventories, including computerized inventories, of hazardous wastes and their treatment/disposal sites, as well as of contaminated sites that require rehabilitation, and assess the exposure and the risk to health and the environment; they should also identify the measures required to clean up the disposal sites. Industry should make the necessary information available;

(b) Governments, industry and international organizations should collaborate in developing guidelines and easy-to-implement methods for the characterization and classification of hazardous wastes;

(c) Governments should carry out exposure and health assessments of populations residing near to uncontrolled hazardous waste sites and initiate remedial measures;

(d) International organizations should develop improved health-based criteria, taking into account national decision-making processes, and assist in the preparation of practical technical guidelines for the prevention, minimization and safe handling and disposal of hazardous wastes;

(e) Governments of developing countries should encourage interdisciplinary and intersectoral groups, in cooperation with international organizations and agencies, to implement training and research activities related to evaluation, prevention and control of hazardous waste health risks. Such groups should serve as models to develop similar regional programmes;

(f) Governments, according to their capacities and available resources and with the cooperation of the United Nations and other relevant organizations as appropriate, should encourage as far as possible combined treatment/disposal facilities for hazardous wastes in small and medium-sized industries;

(g) Governments should promote identification and clean-up of sites of hazardous wastes in collaboration with industry and international organizations. Technologies, expertise and financing should be available for this purpose, as far as possible and when appropriate with the application of the polluter-pays principle;

(h) [Governments should ascertain that their military establishments conform with strict environmental norms in their treatment and disposal of hazardous wastes.]

(b) Data and information

24. The following activities should be undertaken:

(a) Governments, international and regional organizations, and industry should facilitate and expand the dissemination of technical and scientific information dealing with the various health aspects of hazardous wastes, and promote its application;

(b) Governments should establish notification systems and registries of exposed populations and adverse health effects and of databases on risk assessments of hazardous wastes;

(c) Governments should endeavour to collect information on those who generate or dispose/recycle hazardous wastes and provide such information to the individuals and institutions concerned.

25. [Large industrial enterprises, including transnational corporations, should:

(a) Maintain up-to-date environmental, health and safety information for all products and processes used throughout the world and distribute the firm's environmental safety manuals to all employees in all working languages;

(b) Monitor effluent and emission discharges at all operations throughout the world and publish aggregate data for major pollutants;

(c) Establish effective information exchange links between controlled affiliates and local businesses, licencees and joint venture partnerships;

(d) Make detailed environmental, health and safety internal standards and procedures easily available to local governments, trade unions and community organizations in order to ensure better preparedness in case of emergency;

(e) Survey national disclosure requirements in all operations and ensure compliance.]

(c) International and regional cooperation and coordination

26. Governments, according to their capacities and available resources and with the cooperation of the United Nations and other relevant organizations as appropriate, should:

(a) Promote and support the integration and operation at a regional and local level as appropriate, of institutional and interdisciplinary groups that collaborate, according to their capabilities, in activities oriented towards strengthening risk assessment, risk management and risk reduction with respect to hazardous wastes;

(b) Support capacity-building and technological development and research in developing countries in connection with human resource development, particular support to be given to consolidate the networks;

(c) Encourage self-sufficiency in hazardous waste disposal in the country of origin to the extent environmentally sound and feasible.

27. [Large industrial enterprises, including transnational corporations, should provide technical assistance to host country Governments on risk assessment, monitoring techniques, hazard analysis and related specialized skills.]

Means of implementation

(a) Financing and cost evaluation

28. [Total costs for management and safe disposal of hazardous wastes are roughly estimated to be about $12 billion per year for OECD countries, $3 billion per year for Eastern Europe and $3.5 billion per year for developing countries. An amount of $500 million per year should be made available through the international community to developing countries for the strengthening of their institutional capacities to safely manage and dispose of their hazardous wastes.]

(b) Scientific and technological means

29. The following activities should be undertaken:

(a) Governments, according to their capacities and available resources and with the cooperation of the United Nations and other relevant organizations and industry as appropriate, should increase support for hazardous waste research management in developing countries;

(b) Governments, in collaboration with international organizations, should conduct research on the health effects of hazardous wastes in developing countries, including the long-term effects on children and women;

(c) Governments should conduct research aimed at the needs of small- and medium-sized industries;

(d) [Large industrial enterprises, including transnational corporations], Governments and international organizations should expand technological research on environmentally sound hazardous waste handling, storage, transport, treatment and disposal, and hazardous waste assessment, management and remediation

(e) International organizations should identify relevant and improved technologies for handling, storage, treatment and disposal of hazardous wastes.

(c) Human resource development

30. Governments, according to their capacities and available resources and with the cooperation of the United Nations and other relevant organizations and industry as appropriate, should:

(a) Increase public awareness and information on hazardous waste issues and promote the development and dissemination of public information on hazardous wastes that the general public can understand;

(b) Increase the participation in hazardous waste management programmes of the general public, particularly women, including participation at grass-root levels;

(c) Develop training and education programmes for men and women in industry and government aimed at specific real-life problems - for example, planning and implementing waste minimization programmes, conducting hazardous materials audits or establishing appropriate regulatory programmes;

(d) Promote the training of labour, industrial management and government regulatory staff in developing countries on technologies to minimize and manage hazardous wastes in an environmentally sound manner.

31. The following activities should be undertaken:

(a) Governments, according to their capacities and available resources and with the cooperation of the United Nations, other organizations and non-governmental organizations, should collaborate in developing and disseminating educational materials concerning wastes and their effects on environment and health, for use in schools, by women's groups and by the general public;

(b) Governments, according to their capacities and available resources and with the cooperation of the United Nations and other organizations, should establish or strengthen programmes for the environmentally sound management of hazardous wastes in accordance with, as appropriate, health and environmental standards, and extend surveillance systems to identify adverse effects on populations and the environment of exposure to hazardous wastes;

(c) International organizations should provide assistance to member States for assessing the health and environmental risks resulting from exposure to hazardous wastes, and in identifying their priorities for controlling the various categories or classes of wastes;

(d) Governments, according to their capacities and available resources and with the cooperation of the United Nations and other relevant organizations, should promote centres of excellence for training in waste management, building on appropriate national institutions and encouraging international cooperation including through institutional links between developed and developing countries.

(d) Capacity-building

32. [Wherever they operate, multinational companies and other large-scale enterprises should be encouraged to introduce policies and commitments to adopt equivalent or not less stringent standards of operation with reference to waste generation and disposal, while Governments are invited to make efforts to establish regulations that require such standards.]

33. International organizations should provide assistance to member States for assessing the health and environmental risks resulting from exposure to hazardous wastes, and in identifying their priorities for controlling the various categories or classes of wastes.

34. Governments, according to their capacities and available resources and with the cooperation of the United Nations and other relevant organizations and industries, should:

(a) Support national institutions for dealing with hazardous wastes from the regulatory monitoring and enforcement perspectives, including enabling them to implement international conventions;

(b) Develop industry-based institutions for dealing with hazardous wastes and service industries for handling hazardous wastes;

(c) Adopt technical guidelines for the environmentally sound management of hazardous wastes, and support the implementation of regional and international conventions;

(d) Develop and expand international networking between professionals working in the area of hazardous wastes, and maintain an information flow among countries;

(e) Assess the feasibility of establishing and operating national, subregional and regional hazardous wastes treatment centres. Such centres could be used for education and training, as well as to facilitate and promote the transfer of technologies for the environmentally sound management of hazardous wastes;

(f) Identify and strengthen relevant academic/research institutions or centres for excellence to enable them to carry out education and training activities in the environmentally sound management of hazardous wastes;

(g) Develop a programme for the establishment of national capacities and capabilities to educate and train staff at various levels in hazardous wastes management;

(h) Conduct environmental audits of existing industries to improve in-plant regimes for the management of hazardous wastes.

C. PROMOTION AND STRENGTHENING OF INTERNATIONAL COOPERATION IN THE MANAGEMENT OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES

Basis for action

35. In order to promote and strengthen international cooperation in the management, including control and monitoring, of transboundary movements of hazardous wastes, a precautionary approach should be applied. There is a need to harmonize the procedures and criteria used in various international and legal instruments. There is also a need to develop or harmonize existing criteria for identifying wastes dangerous to the environment and to build monitoring capacities.

Objectives

36. The objectives are as follows:

(a) To facilitate and strengthen international cooperation in the environmentally sound management of hazardous wastes, including control and monitoring of transboundary movements of such wastes, including wastes for recovery, by using internationally adopted criteria to identify and classify hazardous wastes and to harmonize relevant international legal instruments;

(b) To adopt a ban on or prohibit, as appropriate, the export of hazardous wastes to countries that do not have the capacity to deal with those wastes in an environmentally sound way, or that have banned the import of such wastes;

(c) To promote the development of control procedures for the transboundary movement of hazardous wastes destined for recovery operations under the Basel Convention that encourage environmentally sound recycling options.

Activities

(a) Management-related activities

(i) Strengthening and harmonization of criteria and regulation

37. Governments, according to their capacities and available resources and with the cooperation of United Nations and other relevant organizations, as appropriate, should:

(a) Incorporate the notification procedure called for in the Basel Convention and relevant regional conventions, as well as in their annexes, into national legislation;

(b) Formulate, where appropriate, regional agreements such as the Bamako Convention regulating the transboundary movement of hazardous wastes;

(c) Help promote the compatibility and complementarity of such regional agreements with international conventions and protocols;

(d) Strengthen national and regional capacities and capabilities to monitor and control the transboundary movement of hazardous wastes;

(e) Set up, at national and regional levels, systems for monitoring and surveillance of the transboundary movements of hazardous wastes;

(f) Develop guidelines for the assessment of environmentally sound treatment of hazardous wastes;

(g) Develop guidelines for the identification of hazardous wastes at the national level, taking into account existing internationally and, where appropriate, regionally agreed criteria and prepare a list of hazard profiles for the hazardous wastes listed in national legislation;

(h) Develop and use appropriate methods for testing, characterizing and classifying hazardous wastes and adopt or adapt safety standards and principles for managing hazardous wastes in an environmentally sound way.

(ii) Implementation of existing agreements

38. Governments are urged to ratify the Basel Convention and the Bamako Convention, as applicable, and to pursue the expeditious elaboration of related protocols, such as protocols on liability and compensation, and of mechanisms and guidelines to facilitate the implementation of the conventions.

(b) International and regional cooperation and coordination

39. International organizations should cooperate with developing countries in strengthening their institutional and regulatory capacities in order to prevent the illegal transboundary movement of hazardous wastes.

Means of implementation

(a) Financing and cost evaluation

40. [Because this programme area covers a relatively new field of operation and because of the lack so far of adequate studies on costing of activities under this programme, no cost estimate is available at present. However, the costs for some of the activities related to capacity-building that are presented under this programme could be considered covered under the costing of programme area B above.

41. The Interim Secretariat for the Basel Convention should undertake studies in order to arrive at a reasonable cost estimate for activities to be undertaken initially until the year 2000.]

(b) Capacity-building

Adoption of normative measures

42. Governments, according to their capacities and available resources and with the cooperation of United Nations and other relevant organizations, as appropriate, should:

(a) Elaborate or adopt policies for the environmentally sound management of hazardous wastes, taking into account existing international instruments;

(b) Make recommendations to the appropriate forums or set up or adapt norms, including the equitable implementation of the polluter-pays principle, and regulatory measures to comply with obligations and principles of the Basel Convention, the Bamako Convention and other relevant existing or future agreements, including protocols, as appropriate, for setting appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes;

(c) Implement policies for the implementation of a ban or prohibition, as appropriate, of exports of hazardous wastes to countries that do not have the capacity to deal with those wastes in an environmentally sound way or that have banned the import of such wastes;

(d) Study, in the context of the Basel Convention and relevant regional conventions, the feasibility of providing temporary financial assistance in the case of an emergency situation, in order to minimize damage from accidents arising from transboundary movements of hazardous wastes or during the disposal of those wastes.

[D. PREVENTION OF ILLEGAL INTERNATIONAL TRAFFIC IN HAZARDOUS WASTES

Basis for action

43. The prevention of illegal traffic in hazardous wastes will benefit the environment and public health in all countries, particularly developing countries. It will also help to make the Basel Convention and regional international instruments, such as the Bamako Convention and the Fourth Lomé Convention, more effective by promoting compliance with the controls established in those agreements. Article IX of the Basel Convention specifically addressed the issue of illegal shipments of hazardous wastes. Illegal traffic of hazardous wastes may cause serious threats to human health and the environment and impose a special and abnormal burden on the countries into which the wastes are trafficked.

44. Effective prevention requires the transformation of the genuine concern of countries into action through effective monitoring, enforcement and imposition of severe penalties.

Objectives

45. The objectives of the programme are:

(a) To reinforce national capacities to detect and halt any illegal attempt to introduce hazardous wastes into the territory of any State in contravention of national legislation and relevant international legal instruments;

(b) To assist all countries, particularly developing countries, in obtaining all appropriate information concerning illegal traffic in hazardous wastes;

(c) To cooperate, within the framework of the Basel Convention, in assisting countries that suffer the consequences of illegal traffic.

Activities

(a) Management-related activities

46. Governments, according to their capacities and available resources and with the cooperation of the United Nations and other relevant organizations, as appropriate, should:

(a) Adopt, where necessary, and implement legislation to prevent the illegal import and export of hazardous wastes;

(b) Develop appropriate national enforcement programmes to monitor compliance with such legislation, detect and deter violations through appropriate penalties and give special attention to those activities that generate wastes that are the subject of known previous illegal traffic.

(b) Data and information

47. Governments, with the cooperation of non-governmental organizations and other interested parties, should develop as appropriate, an information network and alert system to assist in detecting illegal traffic in hazardous wastes. Local communities and others could be involved in the operation of such a network and system.

48. Governments should cooperate in the exchange of information on illegal transboundary movements of hazardous wastes and should make such information available to appropriate United Nations bodies such as UNEP and the regional commissions.

(c) International and regional cooperation

49. The regional commissions, in cooperation with and relying upon expert support and advice from UNEP and other relevant bodies of the United Nations system, taking full account of the Basel Convention, should continue to monitor and assess the illegal traffic in hazardous wastes, including its environmental, economic and health implications, on a continuing basis, drawing upon the results and experience gained in the joint UNEP/Economic and Social Commission for Asia and the Pacific preliminary assessment of illegal traffic.

50. Countries and international organizations, as appropriate, should cooperate with developing countries in strengthening their institutional and regulatory capacities in order to prevent the illegal import and export of hazardous wastes.]